

REMARKS

Claims 1-12 are pending. Claims 1, 7 and 12 have been amended. No new matter has been added.

Claims 1, 2, 5-8 and 10-12 are rejected under 35 USC 102(e) as being anticipated by Yura, U.S. Patent No. 6,795,678. This rejection is respectfully traversed.

Claims 1, 7 and 12 recite a “one-piece nip forming member” Yura fails to teach or suggest this feature.

Yura discloses a fixing device in which a first nip L1 is formed between the press roller 17 and the belt 15 by the stationary member 19, and in which a second nip L2 is formed between the press roller 17 and the belt 15 by the fixing roller 18. The first nip L1 and the second nip L2 are not continuous between the stationary member 19 and fixing roller 18, and thus the fixing pressure or nip pressure generated between the press roller 17 and the belt 15 is lower in the area between the stationary member 19 and the fixing roller 18.

In contrast to the device of Yura, claims 1, 7 and 12 recite a fixing nip which is formed only by the nip forming member which is a one-piece member. The resulting device has a continuous fixing nip formed only by the one-piece nip forming member, and thereby the pressure distribution in the fixing nip is made generally flat with respect to a paper feeding direction. Thus, Yura fails to teach or suggest the features of claims 1, 7 and 12.

Claims 2, 5, 6, 8, 10 and 11 are allowable at least due to their respective dependencies. Applicant requests that this rejection be withdrawn.

Claims 1, 4, 5, 7, 8 and 10 are rejected under 35 US 102(e) as being anticipated by Okabayashi, U.S. Patent 6,864,461. This rejection is respectfully traversed.

The filing date of Okabayashi is March 28, 2003. This application claims priority to Japanese application Nos. 2003-077079 and 2003-077080, both of which were filed on March 20, 2003, which is before the filing date of Okabayashi. Therefore, Okabayashi is not a valid 35 USC 102(e) reference against this application. Applicant submit herewith verified translations

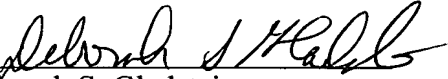
of Japanese applications 2003-077079 and 2003-077080 to perfect their claim for priority. Applicant requests that this rejection be withdrawn.

Claim 3 is rejected under 35 USC 103(a) as being unpatentable over Yura. This rejection is respectfully traversed. Claim 3 is allowable at least due to its dependency from claim 1 and because Yura fails to teach all of the features for which it is cited. Applicants request that this rejection be withdrawn.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 204552032600.

Dated: November 9, 2005

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Attachment: Certified translation of Japanese Patent Application 2003-077079
filed March 20, 2003